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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/700,433

02/05/2001

Jochen Buckenmayer

20990008-6

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04/26/2005

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

ELISCA, PIERRE E

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/700,433

Applicant(s)

BUCKENMAYER, JOCHEN

Examiner

Pierre E. Elisca

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is in response to Application No. 10/700,433, filed on 02/05/2001.
2. Claims 1-34 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371⁹ of this title before the invention thereof by the applicant for patent.

4. Claims 1-34 are rejected under 35 U.S.C. 102 (e) as being anticipated by Matyas, Jr. (U.S. Pat. NO. 6,102,287).

As per claims 1, 2, 4-14 Matyas discloses an electronic payment system in which a buyer purchases a product by sending an electronic payment order to a seller is enhanced to provide product survey information.... see., abstract (which is seen to read as Applicant's claimed invention wherein said a business process comprising a sequence of events, which is processed by means of a data processing system within an information network divided into a proprietary and non-proprietary part, and is represented by digital data, wherein a central data store is provided within the

Art Unit: 3621

proprietary part of the information network for storage of the events (or buyer and seller events),

Wherein at least one attribute is assigned to the events, which characterizes the event state in the course of the business process (**see., abstract, lines 3-25**);

at least one functional element provided outside of said proprietary part of said information network for modifying said at least one attribute in at least one part of the sequence (see., abstract, col 2, lines 63-67, col 3, lines 1-9, fig 2);

at least one data flow control element within said proprietary part of the information network for the control of one or more data flows assigned to the events in at least one part of the sequence (**this limitation id disclosed by Matyas in the abstract, lines 3-7, specifically wherein it is stated that an evaluator, collects product survey information from buyers that have previously purchased products from the seller and provides product survey information to prospective buyers upon request, please note that the process of collecting product survey from buyers is readable as a controller for controlling product survey**);

means for examining said at least one attribute (**see., abstract, lines 3-25, specifically the evaluator, which uses the survey information if it is verified as relating to an actual transaction between the buyer and the seller, please note that the process of verifying the survey information between the buyer and the seller is equivalent the step of examining said attributes assigned between the first and the second events, col 3, lines 23-41**);

Art Unit: 3621

means for controlling said data flows according to the respective state of the said attribute (**see., abstract, lines 3-7, specifically wherein it is stated that an evaluator, collects product survey information from buyers that have previously purchased products from the seller and provides product survey information to prospective buyers upon request, please note that the process of collecting product survey from buyers is readable as a controller for controlling product survey**).

As per claim 3, Matyas discloses the claimed limitation, wherein said functional element also has means for controlling the data flows assigned to the events (**see., abstract, lines 3-7, specifically wherein it is stated that an evaluator, collects product survey information from buyers that have previously purchased products from the seller and provides product survey information to prospective buyers upon request, please note that the process of collecting product survey from buyers is readable as a controller for controlling product survey**).

As per claims 15-34 Matyas discloses an electronic payment system in which a buyer purchases a product by sending an electronic payment order to a seller is enhanced to provide product survey information.... **see., abstract** (which is seen to read as Applicant's claimed invention wherein said a business process comprising a sequence of events, which is processed by means of a data processing system and is represented by digital data (or buyer and seller events),

Art Unit: 3621

Wherein at least one attribute is assigned to the events, which characterizes the event state in the course of the business process (**see., abstract, lines 3-25**);

at least one functional element provided outside of said proprietary part of said information network for modifying said at least one attribute in at least one part of the sequence (**see., abstract, col 2, lines 63-67, col 3, lines 1-9, fig 2**);

at least one data flow control element for controlling the data flows assigned to the events corresponding to the respective state of said at least one attribute (**this limitation is disclosed by Matyas in the abstract, lines 3-7, specifically wherein it is stated that an evaluator, collects product survey information from buyers that have previously purchased products from the seller and provides product survey information to prospective buyers upon request, please note that the process of collecting product survey from buyers is readable as a controller for controlling product survey**);

at least one automatic attribute status modifier, which automatically modifies said status of said at least one attribute when one or more conditions are fulfilled (**see., abstract, lines 3-25, specifically the evaluator, which uses the survey information if it is verified as relating to an actual transaction (or conditions are fulfilled) between the buyer and the seller, please note that the process of verifying the survey information between the buyer and the seller is equivalent the step of verifying as relating to an actual transaction between the first and the second events, col 3, lines 23-41**).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Pierre Eddy Elisca

Primary Patent examiner

April 21, 2005